

ROUTING AND RECORD SHEET

79-0578/4

SUBJECT: (Optional)				79-0578/4	
FROM: Director of Logistics STAT 			EXTENSION 	NO. <i>medical</i> DATE 19 APR 1979	
TO: (Officer designation, room number, and building)		DATE RECEIVED FORWARDED		OFFICER'S INITIALS COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)	
1- EO/DDA 7D24 Hqs					
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The attached regulation excerpted from the Federal Register of 16 April 1979 dealing with smoking in Federal buildings supersedes the draft regulation passed out at our meeting of 9 April. Please be prepared to comment on it and the draft Hqs. Notice implementing this regulation (copy of which was also made available 9 April) at our next meeting to be held at 0900 hours on 26 April in Room 3E14 Hqs.

STAT

 James H. McDonald
 Director of Logistics

Att

limitations. The effluent limitations are to be calculated based upon the total annual weight (1000 lbs. kkg) of raw product processed at each of the salt station and process pack operations. Allowances for contaminated stormwater runoff should be considered in NPDES permit formulation on a case-by-case basis. Finally, it should be noted that the Pickle Packers International joined by Heinz, U.S.A. and Vlasic Foods, Inc., filed a petition (No. 76-1835) in the Third Circuit Court of Appeals for judicial review of subsections 407.62 (a) and (b) of the promulgated regulation. The petitioners have agreed to withdraw their petition.

In consideration of the foregoing, 40 CFR Part 407 is amended as set forth below.

Dated: April 4, 1979.

Douglas M. Costle,
Administrator.

Subpart F—Canned and Preserved Fruits Subcategory

1. Subpart F is amended by revising the definition for "pickles, salt stations" of § 407.61(p) as follows:

§ 407.61 Specialized definitions.

(p) the term "pickles, salt stations" shall mean the handling and subsequent preserving of cucumbers and other vegetables at salting stations or tankyards, by salt and other chemical additions necessary to achieve proper fermentation for the packing of processed pickle products. Limitations include allowances for the discharge of spent brine, tank wash, tank soak, and cucumber wash waters. At locations where both salt station and process pack operations (§ 407.61(c)) occur, additive allowances shall be made for both of these sources in formulation of effluent limitations. The effluent limitations are to be calculated based upon the total annual weight (1000 lb, kkg) of raw product processed at each of the salt station and process pack operations. Allowances for contaminated stormwater runoff should be considered in NPDES permit formulation on a case-by-case basis.

§ 407.62 [Amended].

2. Subpart F is further amended by changes in 1977 effluent limitations for BOD5 by revising the entry for "Pickles: Salt stations" in § 407.62(a) to read as follows:

(Metric units, kg/kkg of raw material; English units, lb/1000 lb of raw material)

BOD5 effluent limitations			
Commodity (fruits)	Maximum for any one day	Average of daily values for 30 consecutive days shall not exceed	Annual average shall not exceed
Pickles: Salt Stations	0.25	0.18	0.15

3. Subpart F is further amended by changes in 1977 effluent limitations for TSS by revising the entry for "Pickles: Salt stations" in the table in § 407.62(b) to read as follows:

(Metric units, kg/kkg of raw material; English units, lb/1000 lb of raw material)

TSS effluent limitations			
Commodity (fruits)	Maximum for any one day	Average of daily values for 30 consecutive days shall not exceed	Annual average shall not exceed
Pickles: Salt Stations	0.42	0.33	0.25

[FRL 1097-3]

[FR Doc. 79-11244 Filed 4-12-79; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-20

Management of Buildings and Grounds; Revision of Building Rules and Regulations

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation prohibits smoking in certain areas of buildings controlled by GSA. It has become necessary to regulate smoking in certain areas of Federal buildings because smoke in a confined area may be irritating and annoying to nonsmokers and may create a potential hazard to those suffering from heart and respiratory diseases or allergies. The intent of this regulation is to provide a reasonably smoke-free environment in certain areas for those working and visiting in GSA-controlled buildings.

EFFECTIVE DATE: April 16, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Donald V. Jones, Jr., Director, Operations Division, Office of Buildings Management, General Services

Administration, Washington, D.C. 20405, 202-568-1563.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044. On September 11, 1978, there was published in the Federal Register (43 FR 40250) a notice of proposed rulemaking concerning smoking in certain areas of GSA-controlled space. Interested parties were given an opportunity to submit comments on or before November 11, 1978. All comments with respect to the proposed revision were given due consideration.

The public, special interest groups, and Government agencies responded to GSA's proposed regulations on smoking in GSA-controlled space. Responses included 125 which were supportive in nature to the need for regulations on smoking while 12 were opposed to the proposed regulations due to their objections to imposing restrictions on the rights of smokers, or due to their objection to the need to restrict smoking. Total responses received were 137.

The following is a categorized summary of comments received and actions taken:

Respondents requested additional definition of various terms used in the regulations; i.e., cost, appropriate administrative action. GSA does not wish to make administrative determinations for occupant agencies which it feels is unduly restrictive of agency operations. Agency opinions may vary with respect to what they consider appropriate action with respect to penalties, enforcement and what is costly. The cost of altering space may vary from relocating telephone outlets, etc., to major partition changes. Individual considerations of such things as time lost in mail rerouting, and overall operating efficiency will have to be made by those most closely associated with the work processes involved. The regulations as written allow adequate flexibility for these agency administrative determinations. Expanding other definitions would also be unduly restrictive. We have, therefore, taken no action to include these comments in the regulations.

Respondents requested a smoke-free environment in their workplace. GSA provides adequate ventilation in all of its buildings in accordance with industry guidelines, and/or local codes. All building air is continuously filtered through the heating, ventilating, and air-

conditioning systems. As tobacco is a legal commodity, its use cannot be completely regulated. In attempting to accommodate smokers and non-smokers, GSA believes that the regulations as written are adequate to provide for individuals to work in a relatively smoke-free environment.

Respondents requested the strengthening of the regulations or adoption of other agency regulations. Where adoption of other agency regulations and guidelines were suggested, we believe that adequate treatment of this subject is presented in the initial paragraph of the regulations. Nothing in these regulations precludes an agency from adopting more stringent rules in space assigned to them. In fact, it is intended that agencies will develop administrative procedures for resolution of problems and enforcement of these regulations.

Respondents requested wording to include the "carrying of lighted tobacco products" on elevators as prohibited activity. "Smoking" has been defined in the regulations to include this prohibition. Respondents requested wording changes be made to include meeting and hearing rooms in the regulations. GSA believes that "conference room" is normally interpreted to include meeting rooms. Hearing rooms are assigned directly to agencies; therefore, internal agency rules will apply. No change is necessary.

Respondents suggested that where adequate ventilation and smoke reducing devices exist, in auditoriums, classrooms, and conference rooms, or where participants agree to allow smoking, that consideration should be given to not prohibiting smoking. No action is being taken to include these comments in the regulations; however, we have provided that exceptions to this policy in agency assigned space may be granted on a case-by-case basis by the agency head. An example of such a request came from the Federal Mediation and Conciliation Service requesting exemption from enforcing the prohibition against smoking in mediation conference rooms. The mediation process routinely involves many hours of bargaining late into the evening and weekends. Smoking has become as much a characteristic of collective bargaining as mediation itself. The final rules will permit determinations by the agency head to permit smoking in these, or similar, circumstances.

Respondents supported opening summary comments to include affirmative wording that "smoke is a potential hazard to those suffering from

heart and respiratory diseases. . . ."

The potential hazard of secondary smoke will vary dependent upon the degree of smoke in the air and the effectiveness of ventilating system. In that context, we feel the language "smoke . . . may create a potential hazard . . ." is most appropriate for the purposes of these regulations.

Respondents recommended that supervisors must rearrange work space to accommodate requests by nonsmokers for a reasonably smoke-free work area. To require that it be mandatory to rearrange work space is not reasonable. There can be a wide variance of costs involved in rearranging work space and variance in what agencies may determine to be feasible. An agency may consider space rearrangement cost prohibitive and/or loss of operating efficiency to the extent that such rearrangement of space may not be justified. We intend that any determination should remain an agency decision, consequently, no change in the regulation is warranted. All comments have been considered. Modifications have been made to the proposed regulations as set forth below.

Subpart 101-20.1 Building Operations, Maintenance, Protection, and Alterations

Section 101-20.109-10 is revised to read as follows:

§ 101-20.109-10 Regulation of smoking.

Regulations for controlling smoking in GSA-controlled buildings and facilities are set forth below. These regulations are intended to be supplemented by additional agency action. It is not the intent of GSA to assume the enforcement role of these regulations, except in public areas or in joint-use space. It is intended that agency guidelines will provide administrative procedures for enforcement within space assigned to them and for resolution of agency/employee complaints. Local laws should also be complied with wherever applicable. "Smoking" is defined, for the purpose of these regulations to include the carrying of lit tobacco products.

(a) Smoking is prohibited in the following areas:

(1) Auditoriums, classrooms, and conference rooms. Buildings managers shall ensure that signs and adequate receptacles for smoking refuse are placed outside the entrances to auditoriums, classrooms, and conference rooms. Exceptions to this policy in agency assigned space may be granted on a case-by-case basis by the agency head.

(2) Elevators. "No smoking" signs shall be posted in elevators, and adequate receptacles shall be placed outside the entrances.

(3) Shuttle vehicles.

(4) Hazardous areas. Each agency shall post and enforce "no smoking" rules in any location under its jurisdiction which involves flammable liquids, flammable gases, or flammable vapors, or in all locations where there is a collection of readily ignitable, combustible materials.

(b) Smoking is not permitted in libraries, except in those nonstack areas that are designated as "smoking" areas. These areas shall be established by the buildings manager in collaboration with the heads of the occupant agencies.

(c) Employees occupying an office may unanimously declare that office a "no smoking" area.

(d) "No smoking" areas shall be established in cafeterias. These areas shall be designated as "no smoking" areas by each building manager, in collaboration with the heads of the occupant agencies. The areas designated shall be based upon an estimate of the number of smoking and nonsmoking patrons served. This should be adjusted on the basis of local experience. The "no smoking" areas shall be identified by appropriate signs.

(e) The establishment of "no smoking" work areas in open space should be thoroughly investigated. Supervisors should plan work space in a manner so that employees who desire a "no smoking" area can be accommodated: Provided, That (1) efficiency of work units will not be impaired, (2) additional space will not be required, and (3) costly alterations to the space or procurement of additional office equipment will not be necessary. Agencies are responsible for ensuring that "no smoking" areas are identified by appropriate signs. In establishing and continuing a smoking policy in work areas under their jurisdiction, supervisors should strive to maintain an equitable balance between the rights of nonsmokers and those of smokers.

(f) In medical care facilities such as medical clinics and health units, smoking is restricted to staff lounges, private offices, and specifically designated areas.

(g) Waiting areas shall be divided into areas designated as "smoking" and "no smoking" areas when size allows.

(h) Agencies are responsible for providing adequate noncombustible ash trays or receptacles in locations where smoking is permitted.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))